

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-against-

MANUEL SANTOS,

Defendant.

01-CR-537 (ARR)

NOT FOR ELECTRONIC
OR PRINT PUBLICATION

OPINION & ORDER

ROSS, United States District Judge:

On September 17, 2024, I denied defendant Manuel Santos's fifth motion for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A). *See* Op. & Order, Sept. 17, 2024 (“Op. & Order”), ECF No. 200. I found that recent amendments to the United States Sentencing Guidelines, *see* U.S.S.G. § 1B1.13(b)(6) (U.S. Sent’g Comm’n 2023), did not constitute extraordinary and compelling reasons for Mr. Santos’s release. Op. & Order at 5–6. I further concluded that none of the other issues raised by Mr. Santos rose to the level of an extraordinary and compelling reason for release. *Id.* at 6–7. Finally, I noted that the section 3553(a) factors weighed against Mr. Santos’s release. *Id.* at 7. These include the nature and circumstances of Mr. Santos’s offenses; his history and characteristics; and the need for the sentence to reflect the seriousness of his offense, promote respect for the law, and provide just punishment for his offense. *See* 18 U.S.C. § 3553(a).

On October 2, 2024, I received Mr. Santos’s motion for reconsideration of my order denying his motion for compassionate release. *See* Def.’s Mot. Recons., ECF No. 201. His motion does not raise any new substantive arguments. While Mr. Santos continues to rely on *Alleyne v. United States*, 570 U.S. 99 (2013), and *United States v. Booker*, 543 U.S. 220 (2005), as I previously concluded, neither of these cases constitutes a “change in the law” such that U.S.S.G.

§ 1B1.13(b)(6) would apply to Mr. Santos's case. As Mr. Santos has not identified any other relevant change in the law, I reaffirm my finding that there are no extraordinary and compelling reasons for his release at this time.

CONCLUSION

For the foregoing reasons, I deny Mr. Santos's motion for reconsideration.

SO ORDERED.

/s/
Allyne R. Ross
United States District Judge

Dated: October 4, 2024
Brooklyn, New York